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REMARKS

Claims 1-22 are pending in the present application. In the Final Office Action mailed May 9, 2006, the Examiner rejected claims 1, 5, 8-11, 15, 16, and 22 under 35 U.S.C. §103(a) as being unpatentable over Smith et al. (USP 6,594,673) in view of San Andres et al. (USP 5,956,489). The Examiner next rejected claims 2-4, 6, 7, 12, 14, 17-21 under 35 U.S.C. §103(a) as being unpatentable over Smith et al. in view of Knight et al. (USP 6,721,748).

FINALITY OF THE CLAIM REJECTIONS

In regard to the Examiner's "Response to Arguments," Applicant appreciates the Examiner's withdrawal of the rejections under 35 U.S.C. § 112. However, Applicant notes that the Examiner's statements concerning a motivation to combine references suggest that the remaining rejections are improper. The Examiner acknowledged that "obviousness can only be established ... where there is some teaching, suggestion, or motivation" to combine or modify references, but then stated that "there is no need [to establish] the suggestion or motivation to do so" with respect to the rejection of claims 1, 5, 8-11, 15, 16, and 22 under § 103. *Office Action*, 05/09/06, p. 2. As the Examiner will appreciate, these two statements are contradictory.

The Examiner rejected claims 1, 5, 8-11, 15, 16, and 22 as being obvious in view of two references (despite no attempt at showing a motivation to combine). However, the rejection is improper in that the Examiner cited portions of only one of the references (Smith et al.) as "teach[ing] all the limitations in claims 1, 5, 8-11, 15, 16 and 22." *Id.* (Emphasis added.) The Examiner should appreciate that asserting a single reference as teaching all the limitations of a claim resembles a rejection under § 102, not § 103. In contrast, in the Office Actions dated July 28, 2005 and April 7, 2005, the Examiner affirmatively took the opposite position - that "Smith didn't disclose: automatically placing a copy of the post on each of the one or more other computerized bulletin boards related to the at least one topic of relevance," an expressly recited element of claim 1. *Office Action*, 07/28/05, p. 3; *Office Action*, 04/07/05, p. 3.

As such, Applicant requests that the Examiner remove the finality of the present rejection and either 1) clarify for Applicant whether the Examiner believes that Smith et al. anticipates the claims under § 102 or 2) indicate the relevance and relied-upon teachings of San Andres et al. and establish a motivation to combine the references under § 103. Applicant deserves a fair opportunity to respond to an unambiguous, clearly set-forth rejection. See 37 C.F.R. 1.141(c) ("The pertinence of each reference, if not apparent, must be clearly explained"); MPEP §

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706.02(j) ("It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply").

SUBSTANCE OF THE CLAIM REJECTIONS

In substantively rejecting claim 1, the Examiner primarily relied upon an embodiment of Smith et al., disclosed in column 6 and figure 4 thereof, which depicts visualized links 104, 108 between newsgroups 102 and a user-selected newsgroup 106. Col. 6, ll. 4-10. In response to Applicant's previous arguments that Smith et al. does not teach automatic cross posting, the Examiner stated:

Automatically placing a copy of the post on other computerized bulletin boards as cross-posts between a core newsgroup and a newsgroup corresponds to the relative strength of the link between the two groups, cross posts simply means a single posting is post to Usenet so that it is destined to two or more newsgroups therefore automatically placing a copy of the post on each other newsgroup.
Office Action, 05/09/06, p. 4.

Applicant notes that the Examiner mischaracterized the referred-to element of claim 1 by omitting an express clause thereof. Claim 1 calls for "automatically placing a copy of the post on each of the one or more other computerized bulletin boards related to the at least one topic of relevance," and not simply placing copies of posts on other bulletin boards as the Examiner has asserted. As will be explained below, since Smith et al. fails to teach or suggest determining bulletin boards related to a topic of relevance of a post, the Examiner cannot maintain that it teaches the above quoted element.

First, Smith et al. does not teach or suggest determining which other bulletin boards are related to a topic of relevance determined from the body of a post, for purposes of posting such post. Rather, Smith et al. teaches the depiction of newsgroups 102 related to a selected newsgroup 108, wherein the status of "related" depends upon the preexistence of cross-posts. Col. 6, ll. 18-21. Thus, the method of Smith et al. could not be used to determine which bulletin boards or newsgroups are related to a topic, for purposes of posting or cross-posting, since Smith et al. relies on cross-posts to determine relevance. Attempting to use the system of Smith et al. to achieve that claimed would be cyclic and nonfunctional - essentially, determining the relation between newsgroups based upon cross-posts before the cross-posts have been made. Without the preexistence of cross-posts, the cited embodiment of Smith et al. would have no measure for determining how related different newsgroups are. Thus, the concept of relative link strength in

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Smith et al. is not a disclosure of the act of actually posting a message on bulletin boards or newsgroups.

Second, Smith et al. does not suggest that the cross-posts were posted automatically or that they were posted specifically to bulletin boards related to a topic of relevance from the post. The Examiner characterized a cross-post as merely "a single posting ... post[ed] to Usenet so that it is destined to two or more newsgroups." *Office Action, 05/09/06, p. 4*. In effect, it appears the Examiner believes posting something to Usenet necessarily means that the post will automatically be cross-posted to "each other newsgroup." *Id.* However, the Examiner may not reject claims by making assertions not found in cited references unless such assertions are capable of instant and unquestionable demonstration. MPEP § 2144.03. Here, Smith et al. states nothing whatsoever about how posts become cross-posted to various newsgroups of the Usenet system. Smith et al. merely states that "[s]ome posts are copied or cross-posted to more than one newsgroup." Col. 5, ll. 59-60. This does not teach or suggest that posts in the Usenet system are automatically placed on each of the one or more other computerized bulletin boards related to the at least one topic of relevance, as claimed. If the Examiner is aware of a reference teaching or suggesting to the contrary, the Examiner must apply such reference in the rejection. MPEP §§ 2136.02, 2143.03. Accordingly, Applicant requests that the rejection of claim 1, and all claims depending therefrom, be withdrawn.

In rejecting claim 10, the Examiner relied upon most of the same portions of Smith et al. as were cited in the rejection of claim 1, with the addition of one citation to Col. 4, ll. 32-46. As discussed above, Smith et al. does not teach or suggest determining topics of relevance or computerized bulletin boards dedicated to the topics of relevance or any particular manner of actually posting posts to such bulletin boards.

The additionally-cited portion of Smith et al. generally sets forth the types of links, or "collaborative information," which the system therein can depict; the embodiments of which are shown in Figs. 4-7. None of these links constitute, imply, or rely upon the determination of "one or more specific topics of relevance of the user post from text of commentary of the user post," as claimed. The embodiment of Fig. 4 relates newsgroups based upon the preexistence of cross-posts, which as discussed above, does not teach that claimed. Col. 6, ll. 18-21. The embodiment of Fig. 5 relates threads to each other based upon the number of common individuals posting to the threads, which has nothing to do with topics of relevance of the threads. Col. 6, ll. 36-38, 48-51. The embodiment of Fig. 6 relates threads to persons who post on the threads by depicting all the persons who have posted on a thread as linked to the thread. Col. 7, ll. 2-5; Fig. 6. The

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embodiment of Fig. 7 relates persons to persons based upon the number of common threads to which the persons have posted. Col. 7, ll. 9-10. As is clearly apparent, none of these methods of relating newsgroups, threads, and/or people constitutes the claimed determination of topics of relevance and computerized bulletin boards dedicated thereto. Therefore, Applicant requests withdrawal of the rejection of claim 10 and all claims depending therefrom.

The Examiner also rejected claim 22 under § 103 by citing only Smith et al. However, as described above, Smith et al. does not teach or suggest “means to determine at least one of a specific topic of interest and a general topic of interest of the user post” or “means to automatically place a copy of the user post on each content-specific bulletin board to which the post relates and on the content-general bulletin board.” Since there is no disclosure of the act of posting, Smith et al. also does not teach copying the user post “without copying all other user posts of the set of content-specific bulletin boards.” As such, Applicant requests that the rejection of claim 22, as well as the rejections of all claims depending therefrom, be withdrawn.

Claim 17 was rejected under §103 as being obvious in view of Smith et al. and Knight et al. The Examiner indicated that Smith et al. teaches all the elements of claim 17 except for “scanning the body of the post and determining another topic of interest to which the post is relevant.” As to this element, the Examiner cited Knight et al., explaining that the motivation to combine these references is “to enable the system [to] provide the query handling routine [to] automatically download[] those messages corresponding to information categories indicated [] of most interest to the particular user.”

With respect to the citations of Smith et al., Applicant has already shown that Smith et al. does not teach or suggest automatic placing of copies of posts on bulletin boards related to a topic of interest. Likewise, the Examiner's assertion that Smith et al. teaches buttons of a GUI “wherein each button is associated with a topic of interest” is also incorrect. From a substantive standpoint, Smith et al. specifically sets forth the criteria by which it determines relationships between newsgroups, threads, and persons, none of which include topics from the body of a post. Col. 6, ll. 18-21; col. 6, ll. 36-38, 48-51; col. 7, ll. 9-10; col. 7, ll. 2-5; Fig. 6. In terms of implementation, Smith specifically identifies all the elements of the GUI 180 of Fig. 10 - there are drop-down menus 190, 202, 204, a core node window 186, a link strength filter control slider 194, and check-boxes 210-220. None of these are buttons and none are associated with a topic of interest. Col. 9, ll. 4-7 (GUI components 182 and 184 control the visualization format and style, respectively).

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Knight et al. does not provide the disclosure lacking in Smith et al. to form a maintainable rejection. The cited portion of Knight et al. reveals that a key feature thereof is providing capability for a user to search existing posts of bulletin boards. Col. 5, ll. 37-42. The system monitors user posts, and "automatically downloads" messages related to a user query input. Col. 6, ll. 32-35. Thus, Knight et al. does not teach "placing the post on a computerized bulletin board dedicated to the topic of interest" or "automatically placing a copy of the post on another computerized bulletin board related to the another topic of interest." Since the cited references do not teach or suggest each and every limitation of claim 17, individually or in combination, Applicant requests withdrawal of the rejection of claim 17 and of the rejections of all claims depending therefrom.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-22. If the Examiner believes that any basis for rejecting the claims remains, Applicant reiterates Applicant's request for removal of the finality of the present rejections.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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